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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,796	08/28/2003	Takashi Sugiyama	241548US0DIV	5601

22850 7590 11/17/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

BLACKWELL RUDASIL, GWENDOLYN A

ART UNIT PAPER NUMBER

1775

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/649,796	8/28/2003	Sugiyama et al.	241548 USODIV
EXAMINER			
Blackwell - Rudasill			
ART UNIT		PAPER	
1775		20041113	

DATE MAILED:

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Commissioner for Patents

## DETAILED ACTION

### *Response to Amendment*

1. Newly amended/submitted claims 3-4, 13-14, 17-18, and 25-28 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Originally presented claims 1-4, 9-14, and 17-18 were directed to a single statutory class of invention (i.e. an article of manufacture). Newly amended/submitted claims 3-4, 13-14, 17-18, and 25-28 are directed to a method of making, which is a separate statutory class of invention. Since applicant has received an action on the merits for the originally presented invention, this invention has been elected by original presentation for prosecution on the merits. Accordingly, present claims 3-4, 13-14, 17-18, and 25-28 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) a § 821.03.

### *Non-Responsive*

2. The reply filed on 31 August 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Originally presented claims 1-4, 9-14, and 17-18 were amended/canceled. Newly added/amended 3-4, 13-14, 17-18, and 25-28 are withdrawn from consideration (See above). Consequently, there are no claims to examine. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn A. Blackwell-Rudasill whose telephone number is (571) 272-1533. The examiner can normally be reached on Monday - Thursday; 5:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gwendolyn A. Blackwell-Rudasill  
Examiner  
Art Unit 1775



gbr



DEBORAH JONES  
SUPERVISORY PATENT EXAMINER